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### NOTES OF CASES.

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**Adopting a Mother.**—Plaintiff, in the case of *Mellville v. Wickham*, 169 Southwestern Reporter, 1123, sought recovery against the Woodmen of the World on a benefit certificate issued on the life of one John W. Pace. Mrs. Mellville was Pace's foster mother. The certificate described her as being his aunt, though she bore no such relationship to him. Subsequently he took proper steps to have her declared a legal heir by adoption, and asked the Woodmen to issue a new certificate for her benefit as being entitled under the new relationship. This was refused on the ground that the certificate must be payable to a blood relative and statement made that she would not be allowed to collect the amount of the original certificate in the event of death of insured. It appeared, however, that the organization received premiums thereafter. The laws of the Woodmen provide that beneficiaries shall be wife, children, adopted children, etc. Article 4832 of the Revised Statutes of Texas provides that payment of death benefits by beneficial associations shall be confined to a wife, husband, relative by blood, children by adoption, etc. Did plaintiff, who had been deceased's foster mother, become his "child" by adoption? The Court of Civil Appeals of Texas held that she did, and that the word "children" as used in both the laws of the association and the statutes was meant to designate relationship and not age. A judgment in favor of defendant was reversed.

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**A Calf and Its Maternity, a Disobedient Juror and a New Trial.**—A juror, in the case of *Driscoll v. Gatcomb*, 92 Atlantic Reporter, 39, an action of replevin of a calf, in which the maternity of the calf was an important element, decided that the alleged mother was the best evidence to determine that question, and made a special trip to plaintiff's premises in order to distinguish, from the appearance of the two animals, the relationship between them. Upon arriving at the place he denied to the plaintiff that he was connected with the court in any way, and was permitted to examine the cow and calf. The defendant did not learn of the actions of the juror until after the rendition of the verdict, when he at once filed his motion for a new trial, which was granted by the Supreme Judicial Court of Maine.

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**Validity of Law Prohibiting Contracts with Employees to Not Join Labor Unions.**—In 1903 the Legislature of the state of Kansas enacted a statute providing, in substance, that it shall be unlawful for any employer to require, as a condition of the contract with an employee, that he shall not become a member of any labor organi-

zation, and that violation of the act shall constitute a misdemeanor. Plaintiff, in the case of *Coppage v. Kansas*, 35 Supreme Court Reporter, 240, was a railway superintendent. He presented to one Hedges, an employee of the company, a form of agreement that he would withdraw from the Switchman's Union of which he was a member. Upon his failure to sign this he was discharged by Coppage, who was thereupon charged with violation of the act above noted, convicted, and the judgment affirmed by the Kansas Supreme Court. The United States Supreme Court takes up the question of the constitutionality of the statute, and holds that, as applied to employees under no incapacity or disability, it constitutes an infringement of liberty and property without due process of law in violation of the fourteenth amendment to the federal Constitution.

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**Effect of Unaccepted Pardon.**—In the course of the investigations of a federal grand jury sitting in the District Court of the United States for the Southern District of New York, George Burdick, city editor of the New York Tribune, was called as a witness and requested to give the source of his information concerning articles in that paper relative to certain custom frauds. He declined to answer on the ground that to do so might tend to criminate him. He was thereupon remanded to appear at a later date, at which time a pardon for any supposed offense of which he might be guilty in connection with the matter before the grand jury was handed to him, and he was again requested to give his testimony. This he again refused to do and also refused to accept the pardon. Further opportunity was furnished him to give evidence, and upon his declining to do so he was found guilty of contempt of court and sentenced to pay a fine. He thereupon brought proceedings in error to the United States Supreme Court. The opinion of this tribunal is found under the title *Burdick v. United States*, 35 Supreme Court Reporter, 267. The court goes into an elaborate discussion of the nature and effect of pardons and the distinction to be drawn between them and legislative immunity from criminal prosecution. The conclusion is reached that a pardon may be refused by the person to whom it is granted, and that he does not under such circumstances forfeit his right of privilege as a witness.